

ELEVENTH: RECORDING OF THE MONTHLY BOARD MEETING.

***Meeting minutes shall be; in brief in accordance to: (TOWN LAW, SUBSECTION 30(1)).**

Unless otherwise stated by specific Councilperson, during session that; the topic of subject be directly added to the record.

On this 9th day of November, 2023. Lodi, NY 14860.

Supervisor Luke Latini called the meeting to direct order at 7:09 P.M. leading all in attendance to stand for the Pledge of Allegiance of the United States of America, followed by a moment of silence for our service men and women.

PUBLIC HEARING: 2024 BUDGET.

Supervisor Luke Latini opens the floor on the proposed 2024 budget. We are one dollar under the N.Y. State tax cap. For everyone in the room who is not aware, if the Town exceeds the tax cap. The residents in the town who have, STAR or advanced STAR will not receive these tax exemptions. The loss of the program would be a state penalty for spending too much, and lack of management of fiduciary monies. Either the school tax budget and or the Town tax budget must be under the tax cap, to participate in this program.

Open floor: Karl Titus, questions on line item A1620.2 allocated to the needs of the new Town Hall \$150,000.00.

(A) \$50,000.00 out of that value is to make the yearly bond payment of the New Town Hall. The second 50 thousand is for the potential second bond payment and the final 50 thousand is for the continued construction and rectification of the building itself, and potential legal fees that will come up during this process.

(K.T.) in line A1910.400, unallocated insurance. What type of insurance does that cover?

(A) according to our bookkeeper it covers municipal insurance and liability etc...

(K.T.) if I've read it correctly, all employees are receiving a 5% raise?

(A) that is correct.

(K.T.) do you know at this point what the unappropriated fund balance is?

(A) we won't know truly what it is until the 1st of December,2023

(K.T.) DA9786.600 truck lease payments. How many years is the payment schedule?

(A) Rick answers. 4 years

(K.T.) DB5512.400 CHIPS, consolidated revenue increased. Could that be used to offset fuel cost?

(A) CHIPS money can only be used on specific things. The reason that so much was rolled over, is because of our involvement and attention to the FEMA projects. I wasn't able to use our CHIPS fund, so they allowed us to roll it over.

(D.B.) 2690 the FEMA. I don't believe that all the FEMA money is reflected. Is that correct?

Connie Rosbaugh

From: mjmirras@midemirrasricci.com
Sent: Tuesday, November 7, 2023 2:31 PM
To: 'Connie Rosbaugh'
Cc: 'Latini, Lucas [MD Q&C]'
Subject: Filling the Supervisor Position
Attachments: Res-accpt resig.docx; Res-appoint supervisor.docx

Connie,
Attached are proposed resolutions for the Lodi Town Board to accept Luke's resignation and to appoint him Supervisor. Notwithstanding the acceptance resolution, the resignation becomes effective upon its filing with the Clerk (§31 Public Officers Law). Therefore, after he has submitted it and with the lack of a Supervisor or Deputy Supervisor, Town Clerk should call for nominations to appoint a temporary Chairman (§63 Town Law). Once they have voted on that appointment, the temporary Chairman can then call for a motion for a resolution to accept Latini's resignation, following passage of which he should call for either nominations to fill the position of Supervisor or alternatively simply ask for a motion to appoint Luke Latini, Supervisor through the end of the year.
The motion or nomination after being seconded requires a unanimous vote of the remaining three Board members. Once Luke has been appointed, you should note for the record that you are providing Luke with his oath of office which he should sign and return to you for filing, whereupon the temporary Chairman is relieved and the Supervisor conducts the balance of the meeting as usual.
Luke should be reminded that he should take and file his oath again in January and maybe a good time to remind all that failure to take and file the oath within the proscribed time limit renders their position automatically vacant.
Let me know if there are any questions. You will need to provide the County BOS Clerk of the Board with certified copies of the two resolutions, the signed resignation and the signed oath of office. I believe that a certified copy of the oath needs to be filed with the County Clerk as well.

maxe
1/ Nom: Trevor: Chairman.
C.V. AYE.
S.T. AYE.
T.S. AYE.

Trevor. motion.

1/ C.V.
2/ S.T. AYE.
0/ NA.

1/ T.S.
2/ C.V. > AYE
0/ NA

(A) the offset of FEMA, just so everyone knows the process of FEMA has been going on roughly for about 4 years. FEMA follows a code of Federal regulations. There are requirements for procurement and execution of each individual projects. We hired Municipal Disaster Consultants out of Rochester. Those consultants have guided us through the process. We have monies for Rick and His team, on what we call small projects. The value shown is the positive differences to those spends. We do not draw from those funds. They are accumulative.

(K.T.) worker's computation seems to be at an increase?

(A) it is; the figure you offer is summed up from 3 different places. What I was told from some of the first meetings with Nancy and I did call the County. The county basically said that they had a premium jump. The second function is that we show a 1, and that the last few years we have been noted at 0.

So it shows that we have one account that shows a person being on it. That hurts us greatly. I was under the impression that the case of this person has been resolved, and withdrew. Approximately 8/7 years ago. This is something as a board that we will review.

No further comments heard.

Supervisor Luke Latini, entertains a motion to close the Public Hearing.

Motion in the first by Councilman Trevor Sibley. Motion in the second by Councilman Chance Van Cleef.

All Members of the board **IN FAVOR, AND VOTING AYE MOTION CARRIED WITHOUT COMMENTS.**

Public hearing ending at: 7:24 pm.

OFFICIAL ROLL CALL: Town Meeting 7:25

Roll call taken by Town Clerk Connie Rosbaugh and is as stated.

Those in presences during: Supervisor Lucas Latini, Councilman Trevor Sibley, Councilman Seth Thomas, Councilman Chance Van Cleef, Highway Superintendent Rick Jacot Town Clerk Connie Rosbaugh. To take the official recording of this said meeting.

In representation of Attorney at law; M. Mirras

PRESENTERS/PETITIONERS:

Racheal Stutter: Climate Smart Community Coordinator, Genesco Finger Lakes Region, along with being a planner at the planning commission. I have been working along with the Town of Lodi's Climate Smart task force on a number of items. One of them was the bronze certification. The climate action and climate adaptation plan. The first thing I would like to address. What does doing a plan like this, do for the Town in addition to the bronze certification. That is, the Town will get extra consideration for points on water quality improvement grants for flood mitigation and adaptation projects. Along with consideration of clean energy projects. Under the climate pollution grant funding which is due, next April. We hope to keep the timeline of getting everything done before the end of December.

Meaning that the plan is adopted, to consider additional projects. A draft copy has been sent out to internal members with a summary of basic information. A secondary draft should be out in a few weeks for Town Board review. The plan is focused on impacts and measures around flood adaptation.

Lodi is the only Town in Seneca County that is currently certified. It is very impressive as Lodi, is not only the 1st in the county, but they are the smallest to have received these certifications in the state.

Supervisor ask; how is your organization funded. (A) we are funded through the DEC office of climate change, and also in EPA. Supervisor asked, who Racheal will be working with in the absence of current Board Member Set Thomas. Racheal states that she is willing to work with any member of the board, planning Board and etc. Supervisor asked what the primary focus and action of the committee is, personal property? Stream bank? (A). The primary focus is flooding in general. Supervisor request that Seth reach out to current and upcoming Councilman to see who might be able to continue his works with the climate smart committee. Seth agrees he will try, but it would take someone being interested or appointed to take on the work. * continued conversation with Maura Toole, Karel Titus and Racheal on the continued efforts and the successes of the climate smart committee.

Mrs. Ruth Keady Road. Climate smart committee. Makes comments that the committee does not make decisions without the board. That this is an all town, all resident program and all can be involved.

South Seneca Ambulance: Nathan has come tonight to give an updated report of the South Seneca Ambulance. He offers a slide show presentation on the revenues, calls and loss per the districts. The S.S.A is asking the Town to increase the towns contributions. Nate gave images in the presentation to the volume of calls that they service and the funding received. The presentation last approximately 25 minutes. Luke asked direct question on the service provided to the prison. (A) we do provide the service to the prison. Nate continues to give specks on duration of calls and services provided. Nate states that they have \$300,000.00 that comes in in tax monies each year, that offsets their \$

750,000.00-dollar budget the majority of our budget is for personnel and staffing. We have 24 hour staffing and it adds up. If we make more than the allotted amount, then we have to return the extra money to the township. If we fall short, then we have to go back to the tax base. We try to do fundraise and other events to raise monies, such as chicken BBQ and etc.

PUBLIC COMMENTS: Marti, chair of the South Seneca Community Services Center, provided the board with a letter that she has composed in regards to the grant of the pantry and the Town of Lodi Town Hall. A copy of this letter is on file with the Town Clerk, as official meeting comments. She shares her concerns with the Town on the lease agreement of the pantry.

AGENDA ADDRESSED:

Councilman Lucas Latini, addresses fellow board members and audience. Luke has composed and offered his personal resignation of Councilman Town of Lodi to the Town Clerk. Clerk recognizes and accepts the Resignation.

Clerk Connie Rosbaugh ask those is attendance if there is a nomination for the empty chairperson. In the absence of a Supervisor/Deputy Supervisor.

One nomination heard, from Councilman Chance Van Cleef. Nominating Councilman Trevor Sibley as Temporary Chair. No other nominations heard. Clerk Connie Rosbaugh calls for a vote, appointing Trevor Sibley as temporary chair.

All members of the board **IN FAVOR AND VOTING AYE: MOTION CARRIE.**

Trevor Sibley is appointed temporary Chairperson.

Chairperson Trevor Sibley makes a motion to accept Luke's Resignation. Motion in the first by Councilman Chance Van Cleef. Motion in the second by Councilman Seth Thomas. All members of the board **IN FAVOR AND VOTING AYE. MOTION CARRIED. RESIGNATION ACCEPTED.**

Chairperson Trevor Sibley makes a motion that whereas the Town of Lodi has received for filing on the date of October 17th, 2023 the duty and resignation of Town Supervisor Kyle Barnhart.

Creating a vacancy in the Town of Lodi, Town Supervisor and whereas the Town Board desires to fill the vacant position of Town Supervisor through the remainder time of the 2023 calendar year. The Town Board has deemed that Lucas Latini, is a qualified person to handle the position of Town Supervisor. Therefor now be it resolved that the Town Board pursuing provisions 54.5 NYS town law. Hereby appoint Lucas Latin resident of Lodi, as Town Supervisor for the Town of Lodi for the duration of 2023, on the date of December 31st,2023. Motion in the second by Councilman Chance Van Cleef. All members of the board. **IN FAVOR AND VOTING AYE. MOTION CARRIED.**

Resolved that as of Today November 9th,2023 Lucas Latini is appointed Town Supervisor

Oath of Office giving to Lucas Latini , by Town Clerk Connie Rosbaugh. Oath signed and accepted by Clerk.

Supervisor Luke Latini addresses the Board and audience. We as a board had discussed during meeting end last month, on the importance of having a full board. We didn't have an idea pre-election who it would be, but have now decided as a board that we would temporarily appoint the person who received the most votes, during the recent election. This person will fill the vacancy of the board until the year end date of December 31st,2023. With that.

I Lucas Latini nominate Jim Utter to join the board until, December 31st,2023, until he takes his full elected councilman.

Motion in the first to appoint Jim Utter by Supervisor Luke Latin. Motion in the second by Councilman Trevor Sibley. All members of the board **IN FAVOR AND VOTING AYE. MOTION CARRIED WITHOUT COMMENTS.**

Oath of Office giving to Jim Utter, by Town Clerk Connie Rosbaugh. Oath Signed and accepted by Clerk.

MOTION TO ACCEPT THE MINUTES: (THE MONTH PREVIOUS TO THE CURRENT)-

Motion made by Councilman Trevor Sibley. Motion in the second made by Councilman Chance Van Cleef. All members of the Board **IN FAVOR AND VOTING AYE; MOTION CARRIED WITHOUT COMMENT.**

MOTION TO ACCEPT THE BILL(S): acquired in the previous month(s).

Motion made by Councilman Chance Van Cleef. Motion in the second by: Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENT.**

HIGHWAY REPORT: Superintended Rick Jacot.

Winter serviced all the equipment. Reinstalled the plows. Had salt delivered and hauled in stone to have on hand for road repairs. Mowed roadways.

Motion in the First by: Councilman Trevor Sibley. Motion in the second by: Councilman Chance Van Cleef. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENTS.**

TOWN CLERK: Connie Rosbaugh

Town Clerk- The Clerk doesn't have a revenues report of fees, due to the nature of serving the public at this point. Although we continue to make efforts to complete the major items of the town, such as birth, death and burial. We have suspended the Dog License Program until January 1, 2024.

Register of vital statistic- Continued birth, death and marriage license. Accessibility permits also.

Tax Collection: The Town has concluded its tax collection season. The final roll of paid/unpaid has been returned to the County of Seneca.

Final Audit has been Completed.

Resignation of Cemetery Superintendent Walter Bud. Copy of resignation kept on File with-ib the office of the Clerk. An add was placed for the duration of 3 weeks on 2 separate occasions. One applicant of interest received.

Communications on the job description and duties.

Motion in the first by: Councilman Chance Van Cleef. Motion in the second by; Councilman Seth Thomas. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENTS.**

COMMITTEE:

Ag, environments, & infrastructure

Econ. Dev., Planning, & Tourism.

Building Committee:

Finance& Federal Affairs

Gov't Ops & Criminal Justice.

Water Committee.

Econ. Dev., Planning, & Tourism.

County Board & Supervisor:

OLD BUSINESS: New building discussion. I have been in contact with the OCR director for New York State, who administers that program on our behalf. He did say that he is going to extend the grant until June. Personally he or his staff will come to Lodi, and will help us with the documents that are needed. He did say that, he feels bad about our situation, and we continue to try to get as much documentation that we can for that part of the procurements process. There are some holes, in the documentation, and we will lose the money if we can't fill those holes.

In October it was identified by the Clerk that there was no heat in the building. there is a total of 6 systems in the building. the original water boiler, and 5 new mini split systems to supply the new portion of the building. The mini split section also augments the meeting room space, and also feeds the 550feet pantry portion of the building. None of the 6 heating systems worked. After contacting the architect, engineers and HVAC installers. It was found that the boiler had been drained and out of the others 3 coded for refrigerant, one coding for communications and one coding for lack of wiring. Rick and the Highway guys have worked on the boiler a re-plumbed the lines, pressure tested and etc. we then had Hubbard heating and plumbing come and inspect and finished the work on the boiler. Sheila Rhodes of the HVAC team sent out techs who correct the issues with the mini splits. The communications wire at this point still does need to be fixed and or replaced. The State inspection of the boiler unit, is scheduled for the 14th of this month. I don't want to say that we have reached the bottom of the issues, but I do think that we are close to the end of finding new issues day, by day.

We also had codes department come in on October 30th,2023. Rick and I meant with a codes official. We walked the building and there were 32 observations made by the codes office enforcer. A few of them are point, but the largest portion is violations of the NYS codes. That has been provide to the architect. They seem to think, or are claiming that the building is good to go and they are done. I sent him the list of the 32 items that needed correction. At first they seemed to push back, until being informed of the codes that are violated. I did request from Seneca County a list of missed inspections. We know that there is issue with some of the inspections. Providing that list and coping the board with the list of 11 inspections that seem to be missing at this point. Contact with Dave Adams he states that he isn't responsible for the inspections. It seems strange, but with-out the contracts and the towns documents, we don't know if he was. The bottom line is. You can't finish the building or get into the building without NYS state code. We also cannot pass an air pressure test at this point. Another thing that needs to happen is that our site needs to be graded. If you are in the building and you are in the new section and you look out. The ground is at your level or higher, the architect pointed out that when he meant with the code team. Agreed that it does not meet code. Code is a 1 in 20 slope for the first 10 feet. They should be responsible for those 10 feet. What we need is 6 inches of drop over 10 feet. I did speak with the supervisor of Masa Chris Maguire. he took a picture and provided a report that approximants at roughly 30feet, we have a 2 inches of grade. Trevor has gone and completed a laser scan, we have reached out to our engineer firm of FEMA T.G. Miller. they said they are will to help us out. It will effect the driveway, and the parking. Dave said that we will have to pay for the topo but will donate his engineer time. From that point we will follow our procurement policy, and bid procedures.

NEW BUSINESS: Dave Adams of AJH design has provide the town with notice that he is willing to re send the Town of Lodi documents to us. He has stated in the notice that he seeks out \$1750.00 in clerical fees for these documents. Documents request are known as executed contracts, construction drawing and specifications, bid submissions and bid determination and any change orders.

ANNOUNCEMENTS:

Next regular board meeting date 12/14/2023. In person at the Town Hall.

Motion to enter into executive session. Motion in the first by Councilman Trevor Sibley. Motion in the second by Supervisor Luke Latini. All members of the board **IN FAVOR AND VOTING AYE, MOTION CARRIED.**

Executive session held: Start time 9:35 P.M. Ending at 10:16. Motion in the first by Councilman Lucas Latini. Motion in the Second by: Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITH-OUT COMMENTS.**

ADJOURNMENT- TIME: 10:17 P.M. Motion in the first by: Councilman Trevor Sibley Motion in the second by Councilman Seth Thomas. All members of the Board **IN FAVOR AND VOTING AYE: MOTION TO ADJOURN CARRIED WITHOUT COMMENT.**

By the order of the Lodi Town Board.

Respectfully submitted, Town Clerk Connie Rosbaugh.

SOUTH SENECA COMMUNITY SERVICES CENTER, Inc.
A New York Not-for-Profit Corporation
doing business as
Lodi Food 4 All & Lodi Food Pantry,
together with the Lodi Community Garden
*working in our community to alleviate hunger and food insecurity,
while building a healthy, thriving community*

November 9, 2023

Dear Town Board,

I am writing and speaking to you in my capacity as the Chair of the Board of Directors of the South Seneca Community Services Center, Inc. (the Center). The Center was formed to provide a not for profit, tax exempt home for the Lodi Food4All Food Pantry (the Pantry), which status was needed upon the dissolution of the Lodi Presbyterian Church (the Church). The Church had been the previous tax exempt home of the Pantry. The Church supplied space for operation of the Pantry, tax exempt status for purposes of obtaining grants to support the work of the Pantry, insurance and other overhead requirements.

As you all know, as part of the dissolution of the Church, the Town of Lodi (the Town) agreed to purchase the building for use as a New Town Hall. That purchase was at roughly half price, with the condition that the Town provide a home for the Lodi Food Pantry. Prior to the sale, the Town and the Center contracted in a Lease to provide space to the Pantry for 5 years, with a 5 year renewal.

There is quite a long history of this matter, which is summarized on the next page, but I want to begin by requesting action from the Town based upon where we are today.

The Town and the Pantry have a Lease agreement. This is a legal contract which the Town is not honoring, as it is not making the space available for the Pantry to occupy. The Town has been awarded a grant to support the construction of the portion of the Town Hall to be used by the Pantry. Legally those funds have to be expended to support the Pantry operations benefitting low and moderate income people. To receive all reimbursements, the grant administration by the Town must be done carefully, with proper documentation that all requirements have been met. We ask that the Town do so with urgency, since there is a deadline to complete the work, to expend the funds and to submit for reimbursement. That deadline is December 29. It is our understanding that there will not be further extensions to the deadline. At this point, every delay risks losing this entire grant, which is not to the benefit of the Town.

To be clear, the Pantry is asking for specific action from the Town with respect to the shed the Pantry ordered from TuffShed. That shed was ordered at the direction of and in discussion with the Town and the architect. That order has become a sticking point in the reimbursement process, arguably because the Town delegated the purchase without instructing as to the proper procurement requirements. We ask that the Town work with the Pantry to salvage whatever is possible to recoup from the deal with TuffShed, and then to immediately work through the RFP process to order, pay for, install and request reimbursement for replacement shed(s) that provide the same benefits AND that meet the RFP requirements of the Town's procurement process. The Pantry also asks that the Town reimburse the Pantry for any funds that cannot be salvaged from cancelling the Sales Contract with TuffShed.

Please understand that we are not just concerned about the Tuffshed order, but include in our requested action the Town's immediate attention to and management of the overall construction to make the entire New Town Hall eligible to receive a Certificate of Occupancy, which will also allow the Pantry's occupancy and use of the building.

Thank you for your attention to and support of the Pantry's work.

Located at the Lodi Town Hall, 8591 State Route 414 (PO Box 13 for mail, please) Lodi, NY 14860
www.LodiFood4All.com lodifood4all@outlook.com

Background information:

Almost immediately after purchasing the building from the dissolved Church, the Town undertook to plan, design, bid and commence work on the New Town Hall building to make it suitable for the many purposes of the Town and the Pantry. A Building Committee met frequently to plan the work, and our Pantry director, Karel Titus, was on that committee and attended many meetings. During Town Board meetings which discussed this work and renovation, as well as the cost, Board members Latini and Sibley repeatedly vocalized their opposition to the Pantry occupying Town space. Both men also repeatedly questioned both the cost and the amount of space devoted to the Pantry. Those concerns included statements suggesting that it was inappropriate for the Town to be supporting the Pantry in any financial manner.

Even though the renovations to the property made it impossible for the Pantry to use the property for Pantry purposes and the Lease obligated the Landlord to "engage with community partners, stakeholders and non-profit organizations to negotiate suitable temporary quarters for Tenant's operations", it did not do so. The Pantry made arrangements on its own for temporary quarters at the Lodi Rod & Gun Club.

As part of the process, the Town applied for a grant to cover much of the cost of the work related to the space that was to be used by the Pantry. The grant was submitted and approved, and work was commenced in the fall of 2022. At some point in the process, the work was stopped. The Town was required to resubmit the CDBG grant, and the Town had to "redline" the work that related to the Pantry. The Pantry was not part of this process, but our understanding is that it was to ensure that the grant funds related to the work of the Pantry and not to the general work of the Town. As part of the re-submission, the plans included the purchase of a shed for storage of Pantry supplies that would not fit in the building space allotted to the Pantry, and a generator.

The re-submitted grant was awarded, with a letter on June 24, which Supervisor Kyle Barnhart circulated to Board members, and to many of the Pantry personnel (all volunteer). That award clearly stated that all funds to be reimbursed needed to be spent and submitted by September 23rd. Both Supervisor Barnhart and the architect had several conversations with Karel Titus about the shed, and both told her to go ahead and get it ordered. Those conversations also included discussions of the location of the shed, and the concrete pad for the shed. At no time did any representative of the Town discuss procurement procedures, prevailing wage concerns or anything else related to the purchase.

Karel Titus ordered the shed from TuffShed. The Sales contract required a 50% deposit to place the order and begin the design and material process, a 40% deposit to place the delivery and installation on the calendar, and a 10% final payment when the shed was in place. The shed must be built in place due to its size. All of this was discussed with the Town - with the Supervisor, the architect and the grant writer - as there were multiple discussions about the placement of the shed, specifically the concrete pad the shed was to sit on.

The Pantry worked through the grant writer to submit the first shed payment (50%, roughly \$8,000) in a timely manner, hoping that the reimbursement could be made before the second payment was due. The grant writer prepared the submission, and asked Lucas Latini and Connie Rosbaugh to sign, as they had apparently been designated to do so via the grant administration process between the Town and CDBG. The Pantry was not a party to the grant administration process.

Mr. Latini refused to sign as asked, and since then, all construction has stopped. The Pantry has been advised that the Shed currently on order does not qualify for grant reimbursement.

Located at the Lodi Town Hall, 8591 State Route 414 (PO Box 13 for mail, please) Lodi, NY 14860
www.LodiFood4All.com lodifood4all@outlook.com

11/09/2023

I Walter Bub Sr. Cemetery Superintendent for the Town of Lodi.

Hereby announce my retirement and resignation to the Acting Supervisor Luke Latini and fellow Councilman.

It's been my pleasure to serve you all and our community for the last 34.5 years.

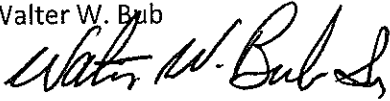
I hereby resolve myself as of December 31st of the year 2023.

I will continue to support the predecessor who may take on the duties of the 3 cemeteries and town hall, along with training as according to.

Best Regards,

Cemetery Superintendent

Walter W. Bub

A handwritten signature in black ink that reads "Walter W. Bub Sr." with a stylized flourish at the end.